

**IN THE UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**HUNTINGTON DIVISION**

JAMES ARTHUR SMITH, JR.,

Plaintiff,

v.

CIVIL ACTION NO. 3:17-3502

WESTERN REGIONAL JAIL;  
CORPORAL DAVIS, FNU,  
Western Regional Jail;  
CORPORAL DIAMOND, FNU,  
Western Regional Jail,

Defendants.

**MEMORANDUM OPINION AND ORDER**

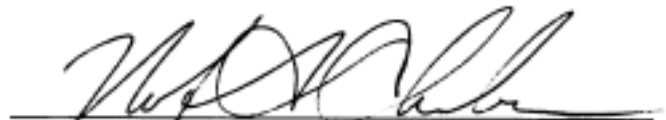
This action was referred to the Honorable Cheryl A. Eifert, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge has submitted findings of fact and recommended that the Motion to Dismiss of the Western Regional Jail be granted (ECF No. 13); the complaint and amended complaint against the Western Regional Jail be dismissed, with prejudice (ECF Nos. 2, 9); the Western Regional Jail be removed from the caption of the case; and the remaining parties be permitted to proceed with the development of the case. This Court's Order of October 20, 2017, directing Plaintiff to update his address by October 31, 2017, was sent to Plaintiff's state parole officer, Roshana Gray for delivery to Plaintiff. The Court received a letter from Officer Gray notifying the Court that she was unable to deliver the Order because

Plaintiff has absconded and a warrant has been issued for his arrest. Neither party has filed objections to the Magistrate Judge's findings and recommendations.

Accordingly, the Court accepts and incorporates herein the findings and recommendation of the Magistrate Judge and **ORDERS** that the Motion to Dismiss of the Western Regional Jail be **GRANTED** (ECF No. 13); the complaint and amended complaint against the Western Regional Jail be **DISMISSED**, with **prejudice** (ECF Nos. 2, 9); the Western Regional Jail be **REMOVED** from the caption of the case; and the remaining parties be permitted to proceed with the development of the case consistent with the findings and recommendations.

The Court **DIRECTS** the Clerk to forward copies of this written opinion and order to all counsel of record, and any unrepresented parties.

ENTER: November 13, 2017

A handwritten signature in black ink, appearing to read 'Robert C. Chambers', is written over a horizontal line.

ROBERT C. CHAMBERS  
UNITED STATES DISTRICT JUDGE